



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MASSACHUSETTS 02109-3912

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**FEB 25 2013**

Carey F. Bergeron, Environmental Engineer  
U.S. General Services Administration  
Public Buildings Service  
New England Region  
10 Causeway Street, 11<sup>th</sup> Floor  
Boston, Massachusetts 02222-1077

Re: PCB Cleanup and Disposal Approval under 40 CFR §§ 761.61(a) and (c)  
and § 761.79(h)  
John F. Kennedy Federal Building Exterior Stair System  
Boston, Massachusetts

Dear Ms. Bergeron:

This is in response to the U.S. General Services Administration (GSA) Notification<sup>1</sup> for approval of a proposed plan to address PCB contamination at the John F. Kennedy Federal Building located at 15 New Sudbury Street in Boston, Massachusetts. PCB-contaminated materials that exceed the allowable PCB levels under 40 CFR § 761.20(a), § 761.61, and § 761.62 have been identified along the exterior stair system located on the Congress Street side of the building. Specifically, PCB concentrations at greater than or equal to ( $\geq$ ) 50 parts per million (ppm) have been found in the caulk located between the stairway and the building wall.

GSA has requested an approval under 40 CFR §§ 761.61(a) and (c) and 761.79(h) that includes:

- Remove and dispose of all *PCB bulk product waste* (i.e., caulk) in a TSCA-approved or RCRA hazardous waste landfill in accordance with § 761.62(a);
- Decontaminate *non-porous surfaces* (i.e., polished granite) to less than or equal to ( $\leq$ ) 1  $\mu\text{g}/100\text{ cm}^2$ ;
- Decontaminate *porous surfaces* (i.e., unpolished granite) to  $\leq 1$  ppm for a *high occupancy area*, or alternatively encapsulate these surfaces if the PCB cleanup standard cannot be met; and,

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<sup>1</sup> The notification was prepared by Fuss & O'Neill on behalf of GSA to satisfy the notification requirement under §§ 761.61(a)(3) and (c) and § 761.79(h). Information was submitted dated November 27, 2012 (Self-Implementing On-Site Cleanup and Disposal Plan for PCB Caulking Removal (SIP)); January 25, 2013 (Response to EPA Comments); and, February 19, 2013 (email contractor work plan). These submittals shall be referred to as the "Notification".

- o Conduct verification sampling to confirm that the PCB cleanup standards have been met.

The Notification meets the requirements and standards established under §§ 761.61(a), 761.62, and 761.79 for cleanup and disposal of *PCB remediation waste* and *PCB bulk product waste*. EPA has determined that the alternative decontamination and sampling of the PCB-contaminated surfaces will not present a risk of injury to human health or the environment as required under § 761.79(h). EPA has also determined that encapsulation of the *porous surfaces*, if necessary, will not present an unreasonable risk of injury to human health or the environment and EPA may approve the encapsulation under § 761.61(c).

GSA may proceed with its project in accordance with 40 CFR §§ 761.61(a) and (c); § 761.62(a); § 761.79(h); its Notification; and, this Approval, subject to the conditions of Attachment 1.

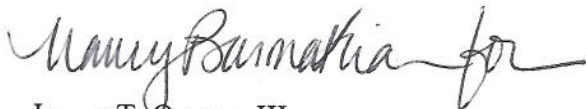
In the event that *porous surfaces* (i.e., unpolished granite) cannot be decontaminated to the PCB cleanup standard of  $\leq 1$  ppm and encapsulation is implemented, GSA will be required to establish a deed restriction and a long-term monitoring and maintenance implementation plan (MMIP) for the encapsulated surfaces (See Attachment 1, Conditions 16 and 22).

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)  
United States Environmental Protection Agency  
5 Post Office Square, Suite 100  
Boston, Massachusetts 02109-3912  
Telephone: (617) 918-1527 Facsimile: (617) 918-0527

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,



James T. Owens, III  
Director, Office of Site Remediation & Restoration

cc R. May, Fuss & O'Neill  
MassDEP, Boston  
File

Attachment 1: Approval Conditions



**ATTACHMENT 1:**

**PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS  
JOHN F. KENNEDY FEDERAL BUILDING  
EXTERIOR STAIR SYSTEM - CONGRESS STREET SIDE  
BOSTON, MASSACHUSETTS**

**GENERAL CONDITIONS**

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and the *PCB remediation waste* located along the exterior stair system ("the Site") and identified in the Notification.<sup>1</sup>
2. U.S. General Services Administration (GSA) shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. GSA must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, GSA shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. GSA is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time GSA has or receives information indicating that GSA or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.

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<sup>1</sup> The notification was prepared by Fuss & O'Neill on behalf of GSA to satisfy the notification requirement under §§ 761.61(a)(3) and (c) and § 761.79(h). Information was submitted dated November 27, 2012 (Self-Implementing On-Site Cleanup and Disposal Plan for PCB Caulking Removal (SIP)); January 25, 2013 (Response to EPA Comments); and, February 19, 2013 (email contractor work plan). These submittals shall be referred to as the "Notification".

7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by GSA are authorized to conduct the activities set forth in the Notification. GSA is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.
8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release GSA from compliance with any applicable requirements of federal, state or local law; or 3) release GSA from liability for, or otherwise resolve, any violations of federal, state or local law.
9. Failure to comply with the Approval conditions specified herein shall constitute a violation of the requirement in § 761.50(a) to store or dispose of PCB waste in accordance with 40 CFR Part 761 Subpart D.

#### **NOTIFICATION AND CERTIFICATION CONDITIONS**

10. This Approval may be revoked if the EPA does not receive written notification from GSA of its acceptance of the conditions of this Approval within 10 business days of receipt.
11. GSA shall notify EPA in writing of the scheduled date of commencement of on-site activities at least one (1) business day prior to conducting any work under this Approval.
12. GSA shall submit the following information for EPA review and/or approval:
  - a. a certification signed by its selected abatement/demolition contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval; and,
  - b. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical method requirements and quality assurance requirements specified in the Notification and in this Approval.

#### **DECONTAMINATION AND DISPOSAL CONDITIONS**

13. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.



14. PCB-contaminated materials shall be decontaminated and confirmatory sampling and analysis shall be conducted as described below:
- a. All visible residues of PCB-contaminated caulk (i.e., *PCB bulk product waste*) shall be removed as described in the Notification.
  - b. The PCB decontamination standard for *porous surfaces* (i.e., unpolished granite) in *high occupancy areas* shall be less than or equal to ( $\leq$ ) 1 part per million (ppm).
    - i) All post-decontamination verification sampling of *porous surfaces* shall be performed on a bulk basis (e.g. mg/Kg). Samples shall be conducted in accordance with the EPA Region 1 *Standard Operating Procedure for Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs) Revision 4, May 5, 2011*, at a maximum sampling depth interval of 0.5 inches and in accordance with the Subpart O sampling frequency requirements.
    - ii) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction/analytical method(s) is validated according to Subpart Q.
    - iii) In the event the *porous surfaces* cannot be decontaminated to the standard of  $\leq 1$  ppm PCBs, the encapsulation alternative, as described in the Notification shall be implemented. If this alternative is implemented, GSA will be required to establish a long-term monitoring and maintenance implementation plan (MMIP) and a deed restriction for the encapsulated *porous surfaces* (Conditions 16 and 22, respectively).
  - c. The decontamination requirement for *non-porous surfaces* (i.e., polished granite) shall be as follows:
    - i) The decontamination wipe standard for *non-porous surfaces* shall be less than or equal to ( $\leq$ ) 1  $\mu\text{g}/100\text{ cm}^2$  as specified in the Notification.
    - ii) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction/analytical method(s) is validated according to Subpart Q.
    - iii) All post-decontamination sampling of *non-porous surfaces* shall be performed on a surface area basis by the standard wipe test as specified in 40 CFR § 761.123 (i.e.  $\mu\text{g}/100\text{ cm}^2$ ) and at the frequency specified in the Notification.

15. PCB waste (at any concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with 40 CFR §§ 761.40 and 761.45; stored in a manner consistent with 40 CFR § 761.65; and, disposed of in accordance with 40 CFR § 761.61 or § 761.62, unless otherwise specified below.
  - a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g)(6).
  - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
  - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.
16. In the event that the *porous surfaces* cannot be decontaminated to  $\leq 1$  ppm PCBs and the encapsulation option must be used, within 30 days of implementing this option, GSA shall submit for EPA's review and approval, a detailed MMIP for the encapsulated surfaces. GSA shall incorporate any changes to the MMIP required by EPA. A copy of the MMIP shall be attached to the deed restriction (see Attachment 1, Condition 22).
  - a. The MMIP shall include: a description of the activities that will be conducted, including inspection criteria, frequency, and routine maintenance activities; sampling protocols and frequency, and analytical criteria; and, reporting requirements, as applicable.
  - b. The MMIP shall include a communications component which details how the maintenance and monitoring results will be communicated to the Site users, including other on-site workers and other interested stakeholders.
  - c. The MMIP shall include a worker training component for maintenance workers or for any person that will be conducting work that could impact the encapsulated PCB-contaminated *porous surfaces*.
  - d. GSA shall submit the results of these activities to EPA. Based on its review of the results, EPA may determine that modification to the MMIP is necessary in order to monitor and/or evaluate the long-term effectiveness of the barriers.
  - e. Activities required under the MMIP shall be conducted until such time that EPA determines, in writing, that such activities are no longer necessary.
  - f. The requirements under Condition 16 **shall not** apply if the PCB cleanup standard of  $\leq 1$  ppm for *porous surfaces* is met.



### **INSPECTION, MODIFICATION AND REVOCATION CONDITIONS**

17. GSA shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by GSA to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
18. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).
19. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
20. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
21. Approval for these activities may be revoked, modified or otherwise altered: if EPA finds a violation of the conditions of this Approval or of 40 CFR Part 761, including EPA's PCB Spill Cleanup Policy, or other applicable rules and regulations; if EPA finds that these activities present an unreasonable risk to public health or the environment; if EPA finds that there is migration of PCBs from the Site; or if EPA finds that changes are necessary to comply with new rules, standards, or guidance for such approvals. GSA may apply for appropriate modifications in the event new rules, standards, or guidance comes into effect.

### **DEED RESTRICTION AND USE CONDITIONS**

22. In the event that the *porous surfaces* cannot be decontaminated to  $\leq 1$  ppm and the encapsulation option is implemented, within 45 days of completing the activities described in the Notification and authorized in the Approval, GSA shall submit for EPA review and approval, a draft deed restriction for the Site. The deed restriction shall include: a description of the extent and levels of contamination at the Site following abatement; a description of the actions taken at the Site; a description of any use restrictions for the Site; and, the long-term monitoring and maintenance requirements on the Site, which may be addressed in the MMIP (see Attachment 1, Condition 16).

Within seven (7) days of receipt of EPA's approval of the draft deed restriction, GSA shall record the deed restriction. A copy of this Approval shall be attached to the deed restriction.

- a. Given the ongoing abatement activities at the John F. Kennedy Federal Building, GSA may request an extension for recording of the deed notation per Condition 19. A justification for the extension must be provided.
23. GSA shall notify the EPA of the sale, lease or transfer of any portion of the Site, in writing, no later than thirty (30) days prior to such action. This notification shall include the name, address, and telephone number of the new owner(s). In the event that GSA sells leases or transfers any portion of the Site, GSA shall continue to be bound by all the terms and conditions of this Approval, unless EPA allocates some or all of this Approval's responsibilities to the new owner through the issuance of a new approval. The procedures for the issuance of a new approval ("re-issued approval") are as follows:
- a. The new owner(s), lessee or transfer entity must request, in writing, that the EPA issue a new approval to the new owner(s), lessee or transfer entity which transfers some or all responsibilities to comply with the terms and conditions of this Approval to that entity or entities;
  - b. The EPA reviews the request, and determines whether to issue a new approval; and,
  - c. The new owner(s), lessee or transfer entity provides written notification to the EPA of its acceptance of and intention to comply with the terms and conditions of the re-issued approval. The re-issued approval may be withdrawn if the EPA does not receive written notification from the new owner(s), lessee or transfer entity of its acceptance of, and intention to comply with, the terms and conditions of the re-issued approval within thirty (30) days of the date of the re-issued approval. Under such circumstances, all terms and conditions of this Approval will continue to be binding on GSA.
24. In the event that the sale, lease or transfer of the Site will involve or result in a change in the use of the Site, EPA may revoke, suspend, and/or modify this Approval or the re-issued approval if it finds, due to the change in use, that the encapsulation will not be protective of health or the environment. The new owner shall record any amendment to the deed restriction, resulting from any approved modification(s), within sixty (60) days of such change(s).
25. In any sale, lease or transfer of the Site, GSA shall retain sufficient access rights to enable it to continue to meet its obligations under this Approval for maintenance and monitoring of the encapsulated *porous surfaces*, except as provided above.



26. The conditions specified under Conditions 22 through 25 **shall not** apply if the PCB cleanup standard of  $\leq 1$  ppm for *porous surfaces* is met.

#### **RECORDKEEPING AND REPORTING CONDITIONS**

27. GSA shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the cleanup and disposal and the analytical sampling shall be established and maintained by GSA in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.
28. GSA shall submit a final report in both hard copy and electronic copy, to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities; characterization and verification sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of; copies of manifests and bills of lading; copies of certificates of disposal or similar certifications issued by the disposer; and, a copy of the recorded deed notice, if applicable.
29. As required under Condition 16 of this Approval, GSA shall submit the results of the long-term monitoring and maintenance activities to EPA as specified in the final MMIP to be approved by EPA, if applicable.
30. Required submittals shall be mailed to:
- Kimberly N. Tisa, PCB Coordinator  
United States Environmental Protection Agency  
5 Post Office Square, Suite 100 – (OSRR07-2)  
Boston, Massachusetts 02109-3912  
Telephone: (617) 918-1527  
Facsimile: (617) 918-0527
31. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

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**END OF ATTACHMENT 1**